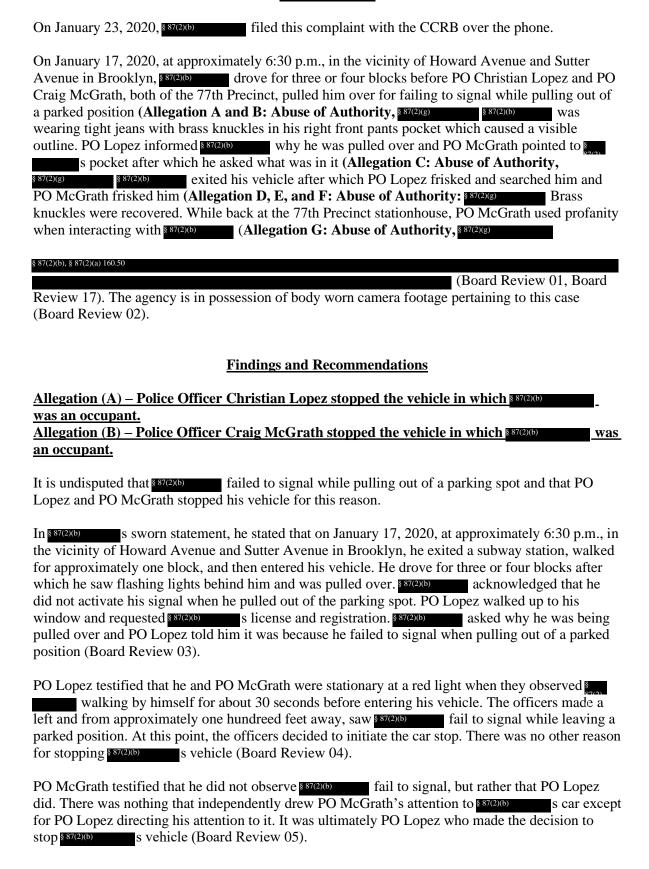
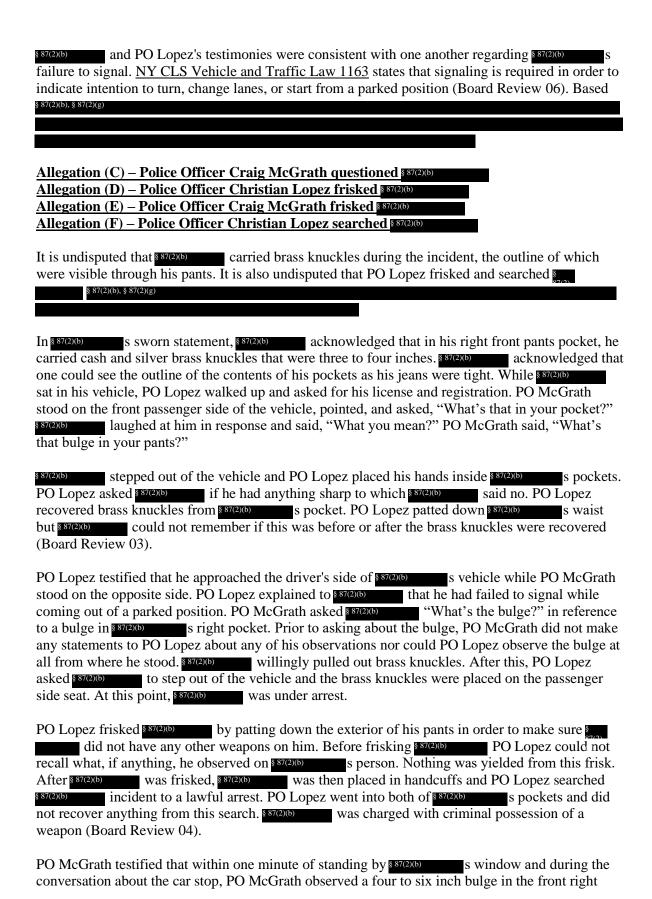
CCRB INVESTIGATIVE RECOMMENDATION

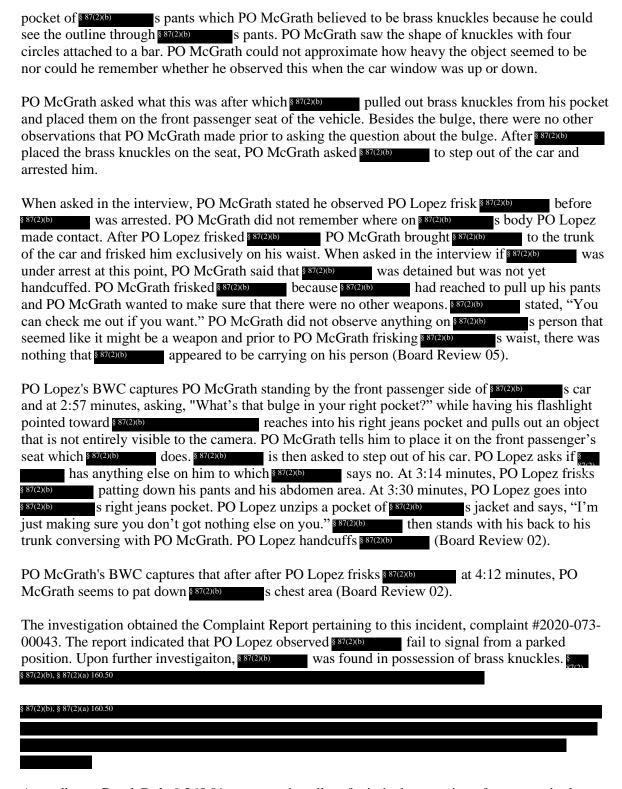
Investigator:		Team:	CCRB Case #:		Force	$\overline{\mathbf{V}}$	Discourt.	☐ U.S.
Noa Street-Sachs		Squad #8	202000595	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	P	Precinct:	18	Mo. SOL	EO SOL
Friday, 01/17/2020 6:30 PM		South East Corner How Sutter Avenue	ward Avenue and		73	7,	/17/2021	3/3/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rece	eived at CC	RB
Thu, 01/23/2020 11:32 AM		CCRB Phone			Thu, 01/23/2020 11:32 AM			
Complainant/Victim	Туре	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Christian Lopez	24864	955083	077 PCT					
2. POM Craig Mcgrath	26900	955165	077 PCT					
Officer(s)	Allegati	on			Inve	estiga	ator Recor	nmendation
A.POM Christian Lopez	Abuse: Police Officer Christian Lopez stopped the vehicle in which § 87(2)(b) was an occupant.							
B.POM Craig Mcgrath	Abuse: Police Officer Craig McGrath stopped the vehicle in which \$887(2)(b) was an occupant.							
C.POM Craig Mcgrath	Abuse: Police Officer Craig McGrath questioned § 87(2)(b)							
D.POM Christian Lopez	Abuse: Police Officer Christian Lopez frisked § 87(2)(b)							
E.POM Craig Mcgrath	Abuse: I	Police Officer Craig McC	Grath frisked § 87(2)(b)					
F.POM Christian Lopez	Abuse: Police Officer Christian Lopez searched § 87(2)(b)							
G.POM Craig Mcgrath		esy: Police Officer Craig eously to § 87(2)(b)	g McGrath spoke					

Case Summary





CCRB CTS – Confidential Page 2



According to Penal Code § 265.01., a person is guilty of criminal possession of a weapon in the fourth degree when: (1) He or she possesses any firearm, electronic dart gun, electronic stun gun, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken, or "Kung Fu star" (Board Review 19).

Per People v. De Bour, 40 N.Y.2d 210, the common-law right to inquire is activated by a founded suspicion that criminal activity is afoot and permits a policeman to interfere with a citizen to the extent necessary to gain explanatory information, but short of a forcible seizure (Board Review 08). Per People v. Evans, 43 NY2d 160 (1977), the Court of Appeals of New York held that the justification of searches incident to lawful arrests "derive from the necessity to ensure the safety of the officer and to deprive the arrestee of any potential means of escape or of the ability to destroy evidence of a crime" (Board Review 09). 87(2)(b), § 87(2)(g) Allegation (G) – Police Officer Craig McGrath spoke discourteously to 887(2)(b) did not mention in his sworn statement that PO McGrath used profanity while interacting with him (Board Review 03). PO McGrath testified that he did not remember whether he used profanity when interacting with § 87(2)(b) (Board Review 05). PO McGrath's BWC captures PO McGrath entering the stationhouse after which he approaches who is sitting in a chair facing the desk. At 00:45 seconds, PO McGrath tells 837(2)(5) stand up and while patting down his jacket, says, "Inventory all your property. All your money. Shit like that. Where's your wallet? In the car still?" PO McGrath recovers papers and \$87(2)(b) says

After being played this footage during his CCRB interview, PO McGrath identified the voice in the video as his own and confirmed he made the above-referenced statement. When asked in the interview what, if anything, was the reason he used profanity, PO McGrath asked if that constituted profanity and stated he believed one could say that on TV and it would not be redacted. PO

they are receipts (Board Review 02).

McGrath stated that there was no reason "for or against" him making this statement (Board Review 05).

<u>Patrol Guide Procedure 200-02</u> requires that officers treat civilians with courtesy and respect (Board Review 18).

In <u>DAO-DCT</u> case number 2017-17005, the trial commissioner held "profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct" (Board Review 10).

C'allan and Officer CCDD Harter's
Civilian and Officer CCRB Histories This is the first CCRB complaint to which solved has been a party (Board Revi PO Lopez has been a member of service for seven years and has been a subject in six CCRB complaints and 14 allegations, of which one was substantiated. Case 2017038 involved a substantiated allegation of an improper summons against PO Lopez. The recommended formalized training and the NYPD imposed this discipline.
PO McGrath has been a member of service for seven years and has been a subject in CCRB complaints and 49 allegations, of which none were substantiated. § 87(2)(g)
Mediation, Civil and Criminal Histories declined to mediate this complaint (Board Review 14).
According to the New York City Office of the Comptroller, \$87(2)(b) had not file Notice of Claim regarding this incident as of February 13, 2020 (Board Review 15).

Investigator:	Signature	Inv. Street-Sachs Print Title & Name	12/18/2020 Date
Squad Leader:	Ethan De Angelo Signature	IM Ethan De Angelo Print Title & Name	12/18/2020 Date
Reviewer:	Signature	Print Title & Name	 Date